

BUILDING CODES APPEALS BOARD

Notice is hereby given of a meeting of the Building Codes Appeals Board to be held on November 13, 2012, at 6:00 P.M. at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, regarding items of business according to the agenda listed below:

1. Call to order
2. Administer oaths of office to re-appointed board member Mark Follis (Position 7) and newly appointed member Lindsay Pfeiffer (Position 4)
3. Consider approval of minutes from the September 11, 2012 meeting
4. Public Comments (Limited to five minutes per person)
5. Review, discuss and consider a recommendation to City Council to adopt the 2012 Code Editions with local amendments (Residential, Building, Plumbing, Energy & Mechanical); **Tabled at the September 11, 2012 meeting**
6. Administrative Reports
7. Board Comments on matters appearing on agenda or inquiry of staff regarding specific factual information of existing policy
8. Establish next meeting date, time and topics
9. Adjourn

A quorum of City Council members may be present and participate in discussions during this meeting; however, no action will be taken by Council as a governing body.

In compliance with the Americans with Disabilities Act, the City of La Porte will provide for reasonable accommodations for persons attending public meetings. To better serve attendees, requests should be received 24 hours prior to the meetings. Please contact Patrice Fogarty, City Secretary, at 281.470.5019.

CERTIFICATION

I certify that a copy of the November 13, 2012 agenda of items to be considered by the City of La Porte Building Codes Appeals Board was posted on the City Hall bulletin board on the 18th day of October, 2012.

Maria Peña

Title: Inspection Services
Office Coordinator

Out of consideration for all attendees of the meeting, please turn off all cell phones and pagers, or place on inaudible signal. Thank you for your consideration.

ADMINISTER OATHS OF OFFICE

This space reserved for office
use

Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334
512-463-5569 - Fax
Filing Fee: None



STATEMENT OF OFFICER

Statement

I, Mark Follis, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Position to Which Elected/Appointed: Building Codes Appeals Board, Position 7

City and/or County: La Porte, Harris County

Execution

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: _____

Signature of Officer

Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334
512-463-5569 - Fax
Filing Fee: None



STATEMENT OF OFFICER

Statement

I, Lindsay Pfeiffer, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Position to Which Elected/Appointed: Building Codes Appeals Board, Position 4

City and/or County: La Porte, Harris County

Execution

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: _____
Signature of Officer _____

**Form 2201 - Statement of Officer
(General Information)**

The attached form is designed to meet minimal constitutional filing requirements pursuant to the relevant provisions. *This form and the information provided are not substitutes for the advice and services of an attorney.*

Execution and Delivery Instructions

The Statement is considered filed once it has been received by this office.

Mail: P.O. Box 12887, Austin, Texas 78711-2887.

Overnight mail or hand deliveries: James Earl Rudder Officer Building, 1019 Brazos, Austin, Texas 78701.

Fax: (512) 463-5569.

Email: Scanned copies of the executed Statement may be sent to register@sos.state.tx.us.

NOTE: The Statement of Officer form, commonly referred to as the "Anti-Bribery Statement," must be executed and filed with the Office of the Secretary of State before taking the Oath of Office (Form 2204).

Commentary

Article XVI, section 1 of the Texas Constitution requires all elected or appointed state and local officers to take the official oath of office found in section 1(a) and to subscribe to the anti-bribery statement found in section 1(b) before entering upon the duties of their offices. Local officers must retain the signed anti-bribery statement with the official records of the office. This form is designed for filing the anti-bribery statement by elected and appointed state-level officers.

Elected and appointed state-level officers required to file the anti-bribery statement with the Office of the Secretary of State include members of the Legislature, the Secretary of State, and all other officers whose jurisdiction is coextensive with the boundaries of the state or who immediately belong to one of the three branches of state government. Op. Tex. Att'y Gen. No. JC-0575(2002).

Questions about whether a particular officer is a state-level officer may be resolved by consulting relevant statutes, constitutional provisions, judicial decisions, and attorney general opinions.

Questions about this form should be directed to the Government Filings Section at (512) 463-6334 or register@sos.state.tx.us.

Revised 10/2011

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use

Submit to:
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Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334



OATH OF OFFICE

Filing Fee: None

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,
I, Mark Follis, do solemnly swear (or affirm), that I will faithfully
execute the duties of the office of Building Codes Appeals Board of
the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws
of the United States and of this State, so help me God.

Signature of Officer

State of Texas)
County of Harris)

Sworn to and subscribed before me
this 09th day of October, 20 12.

(seal)

Signature of Notary Public or Other Officer
Administering Oath

Printed or Typed Name

This space reserved for office
use

Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334



OATH OF OFFICE

Filing Fee: None

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,

I, Lindsay Pfeiffer, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Building Codes Appeals Board of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Signature of Officer

State of Texas)
County of Harris)

Sworn to and subscribed before me
this

09th day of October, 20 12.

(seal)

Signature of Notary Public or Other Officer
Administering Oath

Printed or Typed Name

**Form 2204 - Oath of Office
(General Information)**

The attached form is designed to meet minimal constitutional filing requirements pursuant to the relevant provisions. *This form and the information provided are not substitutes for the advice and services of an attorney.*

Execution and Delivery Instructions

The Oath is considered filed once it has been received by this office.

Mail: P.O. Box 12887, Austin, Texas 78711-2887.

Overnight mail or hand deliveries: James Earl Rudder Officer Building, 1019 Brazos, Austin, Texas 78701.

Fax: (512) 463-5569. If faxed, the original Oath should also be mailed to the appropriate address above.

Email: Scanned copies of the executed Oath may be sent to register@sos.state.tx.us. If emailed, the original Oath should also be mailed to the appropriate address above.

NOTE: *Do not have the Oath of Office administered to you before executing and filing the Statement of Officer (Form 2201 – commonly referred to as the “Anti-Bribery Statement”) with the Office of the Secretary of State.*

Commentary

All state or county officers, other than the governor, lieutenant governor, and members of the legislature, who qualify for office, are commissioned by the governor. Tex. Gov’t Code, Section 601.005. The Secretary of State performs ministerial duties to administer the commissions issued by the governor, including confirming that officers are qualified prior to being commissioned. Submission of this oath of office to the Office of the Secretary of State confirms an officer’s qualification so that the commission may be issued.

Pursuant to art. XVI, Section 1 of the Texas Constitution, the Oath of Office *may not* be taken until a Statement of Officer (see Form 2201) has been subscribed to and, as required, filed with the Office of the Secretary of State. Additionally, gubernatorial appointees who are appointed during a legislative session *may not* execute their Oath until after confirmation by the Senate. Tex. Const. art. IV, Section 12. A Statement of Officer form required to be filed with the Office of the Secretary of State is filed upon receipt by the Secretary of State. The Oath of Office may be administered by anyone authorized under the provisions of Chapter 602 of the Texas Government Code. Commonly used officials include notaries public and judges.

Officers Required to File Oath of Office with the Secretary of State:

- Gubernatorial appointees, appellate and district court judges, and district attorneys
- Directors of districts operating pursuant to chapter 36 or 49 of the Texas Water Code file a duplicate original of their Oath of Office within 10 days of its execution. Tex. Water Code Ann. Sections 36.055(d); 49.055(d)

Officers Not Required to File Oath of Office with the Secretary of State:

- Members of the Legislature elected to a *regular* term of office will have their Oath of Office administered in chambers on the opening day of the session and recorded in the appropriate Journal. Members elected to an *unexpired* term of office should file their Oath of Office with either the Chief Clerk of the House or the Secretary of the Senate, as appropriate.
- All other persons should file their Oaths locally. Please check with the county clerk, city secretary or board/commission secretary for the proper filing location.

Questions about this form should be directed to the Government Filings Section at (512) 463-6334 or register@sos.state.tx.us.

Revised 10/2011

MINUTES

Building Codes Appeals Board

Minutes of September 11, 2012

Members Present: Tom Campbell, Ken Schlather, Paul Larson, J. P. Jackson and Terry Bunch

Members Absent: Mark Follis, Vacant Position 4

City Staff Present: Mark Huber, Deputy Building Official and Vickie Tschappatt, Community Service Technician

Others Present: None

1. CALL TO ORDER

Meeting called to order at 6:07 P.M. by Chairman Tom Campbell.

- 2. ADMINISTER OATHS OF OFFICE TO RE-APPOINTED BOARD MEMBERS PAUL LARSON (POSITION 3), RON HOLT (POSITION 4), KEN SCHLATHER (POSITION 5), J. P. JACKSON (POSITION 6) AND MARK FOLLIS (POSITION 7)**
Vickie Tschappatt administered oaths of office to Paul Larson, Ken Schlather, and J. P. Jackson. Mark Follis was absent and Position 4 is currently vacant (Ron Holt resigned).

3. CONSIDER APPROVING MINUTES FROM THE SEPTEMBER 27, 2011 MEETING

Motion to approve the September 27, 2011 minutes, as written, was made by J. P. Jackson. Second by Terry Bunch. Motion passed unanimously.

4. PUBLIC COMMENTS

None

5. REVIEW, DISCUSS AND CONSIDER A RECOMMENDATION TO CITY COUNCIL TO ADOPT THE 2012 CODE EDITIONS WITH LOCAL AMENDMENTS (RESIDENTIAL, BUILDING, PLUMBING, ENERGY & MECHANICAL)

Motion by Mr. Larson to table this item until the next meeting. This would allow the Board more time to review the code books and staff comments. Second by Mr. Bunch. Motion passed unanimously.

6. ADMINISTRATIVE REPORTS

Mark Huber provided Board with report on building activity.

7. BOARD COMMENTS ON MATTERS APPEARING ON AGENDA OR INQUIRY OF STAFF REGARDING SPECIFIC FACTUAL INFORMATION OF EXISTING POLICY

None

8. ESTABLISH NEXT MEETING DATE, TIME AND TOPICS

Motion by Mr. Larson, next meeting date to be October 9, 2012 at 6:00 p.m. and topics would include administering remaining oaths of office and code review that was tabled at this meeting. Second by Mr. Bunch. Motion passed unanimously.

9. ADJOURN

A motion to adjourn was made by Mr. Schlather with a second by Mr. Jackson. Motion passed unanimously. Meeting adjourned at 6:40 p.m.

Respectfully submitted,



Mark Huber
Deputy Building Official

STAFF CODE REVIEW
COMMENTS – 2012 EDITION

REVIEWCOMMENTS, 2012 EDITION

The following review comments do not include all of the city's local amendments. If an existing amendment was not affected by the respective code book, it was not referenced for review.

Note: The National Electrical Code (NEC) is not part of this review. Its adoption is under Sect. #82-336 and code editions are reviewed separately.

For your convenience, amendments that have a proposed change are highlighted in yellow.

Residential Code Amendments.

Section R105.2 *Work Exempt from Permit.* **Plumbing:** The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets. provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Add missing title and delete language as shown - eliminates requirement of plumbing permit & inspections for simple faucet, tub, water closet replacements.

Table R301.2(1) *Climatic and Geographic Design Criteria.* Establishment of criteria in accordance with table shown.

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY "f"	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP "e"	ICE BARRIER UNDERLAYMENT REQUIRED "h"	FLOOD HAZARDS "g"	AIR FREEZING INDEX "i"	MEAN ANNUAL TEMP "j"
	Speed "d" (mph)	Topographic effects "k"		Weathering "a"	Frost Line Depth "b"	Termite "c"					
0	120	No	A	N	12"	VH	32°	No	4-9-87 11-6-96 6-18-07	1500 or less	67°

Correct typos in Code of ordinances – change front to “Frost” and index “l” to index “i”.
No other changes to table.

Section R301.2.1.2 *Protection of Openings.* Exterior glazing, in new or building additions, located in windborne debris regions shall be protected from windborne debris. Glazed opening protection for windborne debris shall meet the requirements of the Large Missile Test of ASTM E 1996 and ASTM E 1886 referenced therein. The applicable wind zones for establishing missile types in ASTM E 1996 are shown on Figure R301.2(4)C. Garage door glazed opening

protection for windborne debris shall meet the requirements of an approved impact-resisting standard or ANSI/DASMA 115. Exception remains unchanged.

Amendment clarifies requirement is for new and building additions rather than all structures.

Part VIII, *Electrical Chapters 34-43 (E3401 thru ~~E4209~~ E4304.5)* are deleted in their entirety. **Amendment deletes Chapter 43 along with existing electrical chapter deletions.**

Building Code Amendments.

Section 419 *Live/Work Units*. Deletion of entire section (Sections 419.1 thru 419.8 ~~419.9~~). **Amend existing local amendment to reflect additional section number.**

Chapter 16, Figure ~~1609~~ 1609B, *Basic ~~Ultimate Design~~ Wind Speed (3-Second Gust)*. *Basic* Wind speed for the City shall be 120 mph. **Amend existing local amendment to reflect figure number and language change.**

Section 27 *Electrical*. Chapter (Sections 2701 thru ~~2702~~ 2702.3) is deleted in its entirety. **Amend existing local amendment to reflect additional section number.**

Section 28 *Mechanical Systems*. Chapter (Section 2801) is deleted in its entirety. New deletion since City utilizes Uniform Mechanical Code.

Plumbing Code Amendments.

Section 102.3 *Board of Appeal*. Deletion of Sections 102.3 and 102.3.1 in their entirety. Delete code reference since city has separate Board of Appeal ordinance.

Section 103.1 *General*. The Inspection Services Division of the City's Planning Department shall enforce the plumbing code(s) of the city. The Chief Building Official shall be known as the code official. Delete existing local amendment - code section/comments were an International code reference; city now utilizes Uniform Plumbing Code.

Section 103.1.1 (2) Exempt Work. The clearing of stoppages, including the removal and reinstallation of water closets, or the repairing of leaks in pipes, valves, or fixtures. provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures. **Amend code language to allow typical maintenance without the need for a city permit and inspection.**

Section 103.4 Fees. Fees shall be assessed in accordance with Appendix A of the City's Code of Ordinances. the provisions of this section and as set forth in the fee schedule Table 103.4. The fees are to be determined and adopted by this jurisdiction. **Amend code language to recognize usage of existing city fee schedule in Appendix A.**

Section 103.4.1 Plan Review Fees. Delete section in its entirety.
Delete code language since city does not charge plumbing plan review fee.

Section 103.4.4 Fee Refunds. Deletion of Sections 103.4.4 thru 103.4.4.2 in their entirety.
Delete code language since city has existing fee refund policy.

Section 106.6.3 Fee Refunds, No. 2 (Permit Fee). Not more than fifty percent (50%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.
Delete existing local amendment - code section/comments were an International code reference; city now utilizes Uniform Plumbing Code.

Section 106.6.3 Fee Refunds, No. 3 (Plan Review) is deleted.
Delete existing local amendment - code section/comments were an International code reference; city now utilizes Uniform Plumbing Code.

Section 109 Means of Appeal. Deletion of entire section (Sections 109.1 thru 109.7), Chapter 4, Plumbing Fixtures and Fixture Fittings. Table 4-1 "Minimum Plumbing Facilities" is deleted in its entirety.
Delete existing local amendment - code section/comments were an International code reference; city now utilizes Uniform Plumbing Code.

Appendix A Plumbing Permit Fee Schedule. Deleted.
Delete existing local amendment - code section/comments were an International code reference; city now utilizes Uniform Plumbing Code.

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Article V. Fuel Gas Code.

Sec. 82-381. Adoption.

(a) Except as provided in this article, the International Fuel Gas Code, 2006 edition, published by the International Code Council, as amended in Section 82-382 of this article or addressed by the mechanical regulations of the International Residential Code, 2006 edition, as adopted by Section 82-31 of this chapter, is adopted and incorporated as fully as if set forth at length in this section and the provisions therein shall be controlling in the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of buildings and structures within the city limits. One copy of the building codes is on file in the office of the city secretary.

(b) If a section of this article is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or any regulation adopted pursuant thereto or any other ordinance or code or regulation of the city, the provision which establishes the higher standard for the promotion of the health and safety of the people shall prevail.

(c) Any person who shall violate any provision of the standards adopted or established in this article shall upon conviction be punished as provided in Appendix B.

(d) Fees shall be in accordance with Appendix A of the city's Code of Ordinances.

Sec. 82-382. Amendments.

The mechanical code adopted in Section 82-381 of this article shall be amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of La Porte, hereinafter referred to as "this code".

Section 103.1 General. The City's Inspection Services Division shall serve as the Department of Inspection. The Chief Building Official thereof shall be known as the code official.

Section 106.5.3 *Fee Refunds*, No. 2 (Permit Fee) — Not more than fifty percent (50%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

~~Section 106.5.3 *Fee Refunds*, No. 3 (Plan Review) is deleted.~~

~~Section 109 Means of Appeal. Deletion of entire section (Sections 109.1 thru 109.7).~~

Delete existing code of ordinances article, code book reference and local amendments on International fuel gas code; city now utilizes Uniform Plumbing Code.

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Energy Conservation Code Amendments.

Section **C101.1 Title**. This code shall be known as the International Energy Conservation Code of the City of La Porte, and shall be cited as such. It is referred to herein as "this Code".
Amend section number since code book now separates commercial and residential.

Section **C104.1 General**. Construction or work for which a permit is required shall be subject to all required inspections. Inspections shall be performed by a certified and/or licensed party (i.e. 3rd Party). ~~The building shall have a final inspection and not be occupied until approved.~~
Amend section number plus delete last line in existing local amendment. Final inspection is now addressed in code Section 104.3 (Final Inspection) that utilizes the same language.

Sections **C104.2 4** thru **C104.8.1**. - Sections are deleted in their entirety.
Amend section numbers.

~~Section **R101.1 Title**. This code shall be known as the International Energy Conservation Code of the City of La Porte, and shall be cited as such. It is referred to herein as "this Code".~~
Add local amendment to reference separated commercial and residential sections.

~~Section **R104.1 General**. Construction or work for which a permit is required shall be subject to all required inspections. Inspections shall be performed by a certified and/or licensed party (i.e. 3rd Party).~~
Add local amendment to reference separated commercial and residential sections.

~~Sections **R104.4** thru **R104.8.1**. - Sections are deleted in their entirety.~~
Add local amendment to reference separated commercial and residential sections.

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Mechanical Code Amendments.

~~Section 103.1 General.~~ The City's Inspection Division shall serve as the Department of Inspection. The Chief Building Official thereof shall be known as the code official.

~~Section 106.5.3 Fee Refunds, No. 2 (Permit Fee)~~ Not more than fifty percent (50%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

~~Section 106.5.3 Fee Refunds, No. 3 (Plan Review)~~ is deleted.

~~Section 109 Means of Appeal.~~ Deletion of entire section (Sections 109.1 thru 109.7)
Delete four (4) existing local International code amendments since city now utilizes Uniform Code.

~~Section 108.0 Board of Appeals.~~ Delete entire section (Sections 108.1 thru 108.2).
New deletion of Uniform Code section since city has separate Board of Appeal ordinance.

~~Section 114.1 General.~~ Fees shall be assessed in accordance with Appendix A of the City's Code of Ordinances. ~~the provisions of this section and as set forth in the fee schedule, Table 114.1. The fees are to be determined and adopted by this jurisdiction.~~
Amend code language to recognize usage of existing city fee schedule in Appendix A.

~~Section 114.2 Permit Fees.~~ The fee for each permit shall be in accordance with Appendix A of the City's Code of Ordinances. ~~as set forth in Table 114.1.~~
Amend code language to recognize usage of existing city fee schedule in Appendix A.

~~Section 114.3 Plan Review Fees.~~ ~~Delete section in its entirety.~~
Delete code language since city does not charge plumbing plan review fee.

~~Section 114.5 Investigative Fees – Work Without a Permit.~~ ~~Delete Section 114.5 thru 114.5.1 in their entirety.~~ **Delete code language since city does not charge an investigative fee.**

~~Section 114.6 Fee Refunds.~~ ~~Delete Section 114.6 thru 114.6.3 in their entirety.~~
Delete code language since city has an existing fee refund policy.